

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NATHAN B. MARTIN,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-09-0171-HE
)	
MCDONALD'S, ET AL.,)	
)	
Defendants.)	


ORDER

Plaintiff Nathan B. Martin, appearing *pro se*, filed suit pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Doyle W. Argo. Judge Argo has recommended that the complaint be dismissed upon filing pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) for failure to satisfy the pleading requirements of Fed. R. Civ. P. 8. The parties, by failing to object to the Report and Recommendation have waived their right to appellate review of the suggested dismissal. United States v. 2121 East 30th Street, 73 P.3d 1057, 1059-60 (10th Cir. 1996). After de novo review, the court concurs with the Magistrate Judge that the complaint fails to satisfy the pleading requirements of Fed. R. Civ. P. 8.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #7] and **DISMISSES** the complaint. Plaintiff may file an amended complaint which addresses the deficiencies noted in the Report and Recommendation by May 18, 2009. Absent such a filing, this case will be subject to dismissal.

IT IS SO ORDERED.

Dated this 28th day of April, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE